

Chief Ombudsman releases final opinion on East Lake Trust / Regenerate Christchurch case

22 July 2019

The Chief Ombudsman Peter Boshier has found that Regenerate Christchurch did not act unlawfully or unreasonably in relation to a complaint from the East Lake Trust regarding the Ōtākaro/Avon River Regeneration Area Plan.

The complaint concerned the decision by Regenerate not to include the Trust's flatwater facility proposal, known as East Lake, in the refined shortlist of proposals for the draft Plan.

“My consideration of this matter was confined to reaching a decision on whether Regenerate acted in a lawful and administratively reasonable manner, not on the merits or otherwise of the East Lake's proposal”, said Mr Boshier.

The Trust considered the decision unreasonable as it believed Regenerate's assessment of its proposal was factually flawed, and either not supported by relevant expert opinion or had not been adequately explained.

The Trust also considered that the grounds for excluding the proposal had not been adequately discussed with it despite ongoing interactions between the two parties about the proposal since November 2016. It also believed Regenerate had failed to engage with the Trust when these concerns were raised after April 2018.

“I am satisfied that the decision-making process for the finalisation of the Plan provided ample opportunity for the Trust to challenge, rebut and correct Regenerate's assessment of its proposal.

“The Trust took advantage of those opportunities, submitting its own expert opinions and schedule of alleged errors, including answering technical criticisms about the lake's feasibility.

“Regenerate's mandate required it to make an assessment across a range factors, not just technical feasibility.

“During my investigation it became clear that Trust members accepted there was no guarantee that its proposal would be adopted or included in the shortlist or Plan acknowledging *‘the lake may or may not be included and there are multiple options’*.

“Ultimately, I found that Regenerate acted in an appropriate manner when dealing with East Lake Trust’s proposal under the Ōtākaro/Avon River Regeneration Area Plan and I have based my final opinion on those findings.”

The case note for the final opinion is available here in [PDF and Word](#).

ENDS